

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

EARL LITTON

PLAINTIFF

V.

NO. 4:09-CV-00104-DMB-JMV

JOHNSON & JOHNSON, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 9, 2015, U.S. Magistrate Judge Jane M. Virden issued a Report and Recommendation (“R&R”) recommending that Plaintiff’s case be dismissed for failure to prosecute and for failure to obey an order of the Court. Doc. #28. The R&R warned that “any ... objections [to the R&R] are required to be in writing and must be filed within fourteen days of this date. Failure to timely file written objections ... will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court.” *Id.* at 3. A copy of the R&R was mailed to the *pro se* plaintiff by United States Postal Service on June 9, 2015.

More than fourteen days have elapsed since service of the R&R and no objection thereto has been filed or served by any party. Accordingly, this Court’s review of the R&R is limited to plain error. *See Molina-Uribe v. U.S.*, No. B:97-97, 2009 WL 3535498, at *15 (S.D. Tex. Sep. 10, 2009) (“In the absence of plain error, a party’s failure to object timely to a Magistrate Judge’s Report and Recommendation waives any right to further judicial review of that decision.”) (citing *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1428–29 (5th Cir. 1997)).

The Court has reviewed the R&R and has found no plain error. Accordingly, the R&R is

APPROVED and ADOPTED as the opinion of the Court. Thus, this case is hereby
DISMISSED with prejudice.

SO ORDERED, this 9th day of July, 2015.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE